

# EXHIBIT 4

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Andrews et al.

Application No.: 13/410,197

Filed: 03/01/2012

For: SYSTEM, METHOD, AND COMPUTER  
PROGRAM PRODUCT FOR LOCATION  
AND/OR RELEVANCY BASED  
TRIGGERS FOR MOBILE DEVICES

Confirmation No.: 9433

Examiner: MANOHARAN,  
MUTHUSWAMY G.

Art Unit: 2645

Atty. Docket No.:  
SOZO1P001

Date: 1/7/2016

**AMENDMENT B**  
**AND**  
**REQUEST FOR CONTINUED EXAMINATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner:

In response to the Office Action dated 8/7/2015, please enter the following believed to place the claims in condition for allowance.

that have not been expressed. Still yet, nothing in this reply should be construed as intention to concede any issue with regard to any claim, except as specifically stated in this reply. Finally, it should be noted that no claims are intended to be construed under 35 U.S.C. 112, paragraph 6.

Applicant does not believe that any other fees are due. However, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-4964 (Order No. SOZO1P001).

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, applicant invites the Examiner to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



Dated: 07 Jan 2016  
The Caldwell Firm, LLC  
PO Box 59655  
Dallas, Texas 75229-0655  
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Patrick E. Caldwell, Esq.  
Reg. No. 44,580

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Scott Sturges Andrews

Application No.: 13/410,197

File Date: 03-01-2012

Title: SYSTEM, METHOD, AND COMPUTER  
PROGRAM PRODUCT FOR LOCATION AND/OR  
RELEVANCY BASED TRIGGERS FOR MOBILE  
DEVICES

Examiner: Manoharan, Muthuswamy  
Ganapathy

Art Unit: 2645

Docket No.: SOZO1P001

Date: August 25, 2016

**AMENDMENT D**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Examiner:

In response to the communication mailed 2016-02-25 (hereafter "Non Final Office Action" or "NFOA"), please consider the following amendments believed to place the claims in condition for allowance, as follows:

- **Amendments to the Claims** are reflected in the listing of the claims that begins on page 2 of this paper.
- **Remarks/Arguments** begin on page 8 of this paper.

Applicant : Scott Sturges Andrews  
Serial No. : 13/410,197  
Filed : 03-01-2012  
Page : 19 of 19

Attorney's Docket No.: SOZO1P001

**Conclusion:**

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Still yet, nothing in this reply should be construed as intention to concede any issue with regard to any claim, except as specifically stated in this reply. Finally, it should be noted that no claims are intended to be construed under 35 U.S.C. 112, paragraph 6.

Applicant hereby requests an extension of time to respond and encloses the appropriate fee. Applicant does not believe that any additional fees are due. However, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-5939 (Order No. SOZO1P001).

Respectfully submitted,



Dated: 25 Aug 2016  
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OK TO ENTER: /M.G.M/

12/02/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Scott Sturges Andrews

Application No.: 13/410,197

File Date: 03-01-2012

Title: SYSTEM, METHOD, AND COMPUTER  
PROGRAM PRODUCT FOR LOCATION AND/OR  
RELEVANCY BASED TRIGGERS FOR MOBILE  
DEVICES

Confirmation No.: 9433

Examiner: Manoharan, Muthuswamy  
Ganapathy

Art Unit: 2645

Docket No.: SOZO1P001

Date: November 22, 2016

**AMENDMENT E**

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Examiner:

In response to the communication mailed 2016-09-22 (hereafter “Final Office Action” or “FOA”), please consider the following amendments believed to place the claims in condition for allowance, as follows:

— **Amendments to the Claims** are reflected in the listing of the claims that begins on

page 2 of this paper.

— **Remarks/Arguments** begin on page 8 of this paper.

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 Serial No. : 13/410,197  
 Filed : 03-01-2012  
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Attorney's Docket No.: SOZO1P001

or the knowledge generally available to one of ordinary skill in the art, would suggest to modify the references or to combine the teachings of these references.

The Federal Circuit, interpreting Supreme Court mandates, has determined that mere commonality of subject matter and/or field of invention between two disclosures "does not amount to 'some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" *Heart Failure Tech., LLC v. CardioKinetix, Inc.*) (P.T.A.B. IPR 2013-00183) (quoting *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (internal citations omitted)). "That fact alone would not make it obvious to combine the features [of the prior art]. [the Office] must show some reason why a person of ordinary skill in the art would have thought to combine particular available elements of knowledge, as evidenced by the prior art, to reach the claimed invention." Id.

Specifically, the present rejection indicates that "Ephraim did not specify expressly the wireless component unsolicited broadcasting thereof for intended receipt by any of a plurality of mobile devices in a communication range such that one or more messages are received and processed by at least one of mobile device.." Since the rejection alleges nothing more than common subject matter (presumably both art references relate generally to wireless communication) or field of invention to support the supposed reasonable motivation to combine/modify the references as proposed, Applicant respectfully submits that the rejection fails to establish the first element of *prima facie* obviousness under the rule of *Heart Failure Tech.*, supra. Applicant respectfully requests withdrawal of the rejection accordingly.

**Conclusion:**

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Still yet, nothing in this reply should be construed as intention to concede any issue with regard to any claim, except as specifically stated in this reply. Finally, it should be noted that no claims are intended to be construed under 35 U.S.C. 112, paragraph 6.

Applicant : Scott Sturges Andrews  
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Attorney's Docket No.: SOZO1P001

Applicant does not believe that any additional fees are due. However, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-5939 (Order No. SOZO1P001).

Respectfully submitted,



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